REMARKS

Applicants reply to the Examiner's comments in the Advisory Action mailed on October 3, 2007, and submit these remarks. Claims 1-6, and 22 were pending in the application and the Examiner rejects claims 1-6, and 22. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Applicants assert that the application is in condition for allowance and reconsideration of the pending claims is requested.

Applicants thank the Examiner for the Interview with Applicants' counsel on October 16, 2007. Specifically, Applicants thank the Examiner for allowing Applicants' counsel to clarify the presently claimed invention and for generally agreeing that the invention as described would appear to be patentably distinct from the Awadallah reference. Per the Examiner's recommendations, Applicants amend claim 1 for clarity and to specify that the search criteria may include criteria to search for a merchant and/or merchant location other than the merchant supplying the retailer item identifier.

To summarize the invention as explained by Applicants' counsel during the Interview, the presently claimed invention:

- Enables a consumer to scan a SKU (retail item identifier) for an item for sale at a merchant location.
- Sends the SKU to a host.
- Enables the consumer to enter search criteria related to the scanned item (SKU), which may include a desired price, a desired quantity, a desired retailer (e.g., Sears) that sells the scanned item, a desired location for location another retailer that sells the item (e.g., within the "85215" postal code), a desired consumer rating, a retailer having the lowest price for the scanned item, and a desired delivery time for the scanned item.
- Associates the SKU with a corresponding UPC (manufacturer item identifier).
- Performs a first search of a number of merchants for an item corresponding to the scanned item using the UPC and search criteria.
- If the first search does not return any merchants, then the host associates the SKU with a similar UPC.
- Performs a second search of a number of merchants for a similar item corresponding to the scanned item using the similar UPC and search criteria.
- Receives instructions from the consumer regarding how she wants the search results to be formatted.
- Formats the results in accordance with the consumer's instructions.
- Provides the search results to the consumer.

In view of the amendments and the clarification provided by Applicants' counsel during the interview, Applicants respectfully request the Examiner to reconsider the following arguments differentiation the presently claimed invention from the cited reference.

Rejection under 35 U.S.C. § 102(a)

The Examiner rejects claims 1-4, and 22 under 35 U.S.C. § 102(e) as being anticipated by Awadallah et al., U.S. Patent No. 7,127,414 ("Awadallah"). Applicants respectfully traverse the rejection.

Awadallah generally discloses an e-commerce comparison shopping system. Specifically, the Awadallah system provides a web based interface, whereby users can search through databases of classified advertising for specified products. The databases maintain product descriptions and prices relating to any number of classified ads. The Awadallah system receives classified advertisements and searches the advertisements for keywords in order to determine a classification for each advertised item. Each ad is then stored within one of any number of classification databases.

Users of the Awadallah system may interact with the web interface to enter a general product description, which is then classified by the Awadallah system. For example, if a user enters "Compaq" into a description field, the Awadallah system may classify the entered description as "computer." Using the broader classification, the system searches the appropriate database for products that are classified in accordance with the classification for the user entered description. While an ad specifically directed toward Compaq computers may be displayed for the user, for example, the Awadallah system may also return links to ads for Dell, Gateway, and Apple.

The Awadallah system facilitates comparison shopping through a user interface using commonly used methods for context based ad retrieval and presentation. An example of such a system is Google Adwords, wherein a number of links to retailer web sites are returned based on the classification of a search term entered into the Google search engine. However, as in the case of Google and like systems, Awadallah provides a web based advertising system based on a personal computer. Such systems lack the sophistication required to perform a search of products that are similar to a Stock Keeping Unit (SKU), which is captured within a traditional merchant facility. Performing a search based on a keyword extracted from an entered product description, similar to that which is disclosed by Awadallah, is not technically difficult. Moreover, such searches are limiting in that a link between a SKU and any number of Universal

Product Codes (UPC) is not established. Such a linking ensures that only products that very closely match a searched product is returned to the user.

Moreover, the Awadallah system does not enable a user to filter search results according to a merchant's location, for example. Beyond a description, there are most often secondary considerations when consumers make a purchasing decision. As such, Awadallah does not disclose or suggest at least, "receiving from a consumer a retailer item identifier, wherein said retailer item identifier is captured by a terminal of said consumer at a retailer location", "associating said retailer item identifier with a first manufacturer item identifier directly corresponding to said retail item identifier", "receiving from said consumer a search criteria, wherein said search criteria is at least one of: an item price, an item quantity, a retailer, a retailer location, a consumer rating, lowest price, and a delivery time", and "conducting a first search for said first manufacturer item identifier across a plurality of retailers, wherein said first search is based on said search criteria," as similarly recited by independent claims 1 and 22.

Remaining claims 2 and 4 variously depend from independent claim 1. As such, dependent claims 2 and 4 are allowable for at least the same reasons as set forth above, as well as in view of their own respective features.

Rejection under 35 U.S.C. § 103(a)

The Examiner rejects claims 5 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Awadallah. Applicants respectfully traverse the rejection.
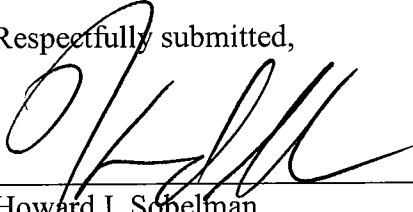
Dependent claims 5 and 6 depend from independent claim 1. As noted above, the Awadallah does not teach or suggest each feature of amended independent claim 1 and the Examiner's Official Notice does not teach or suggest the missing features. The Examiner asserts that, "it is old and well known to pre authorize transactions that meet certain criteria" (page 5, item 11); however, the Examiners assertion does not disclose or suggest at least, "receiving from a consumer a retailer item identifier, wherein said retailer item identifier is captured by a terminal of said consumer at a retailer location", "associating said retailer item identifier with a first manufacturer item identifier directly corresponding to said retail item identifier", "receiving from said consumer a search criteria, wherein said search criteria is at least one of: an item price, an item quantity, a retailer, a retailer location, a consumer rating, lowest price, and a delivery time", and "conducting a first search for said first manufacturer item identifier across a plurality of retailers, wherein said first search is based on said search criteria," as similarly recited by amended independent claim 1 from which claims 5 and 6 depend. Thus, dependent claims 5 and

6 are differentiated from the cited references for at least the same reasons as above, as well as in view of their own respective features.

Applicants respectfully submit that the pending claims are in condition for allowance. The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account No. **19-2814**. Applicants invite the Examiner to telephone the undersigned if the Examiner has any questions regarding this Reply or the present application in general.

Respectfully submitted,

Dated: November 15, 2007   By: _____

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